

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.1451 of 2006

Shad Adam Shaikh Trust & anr.	Petitioners
Vs.	
Salim Momin & ors.	Respondents

Mr.Raju Moray with Ms.Monica Sakhrani for
petitioners.

Mr.T.Radhakrishna for Resp.no.1.

Ms.V.Mhaispurkar, AGP for Resp.no.4.

CORAM: B.H.MARLAPALLE,J.

August 23, 2006.

P.C.

. Heard Mr.Moray, the learned counsel with
Ms.Monica Sakhrani for the petitioners and
Mr.Radhakrishna for Respondent no.1 and Ms.
Mhaispurkar, the learned AGP for Respondent Nos.2 and
4. Respondent no.3 shall be deleted forthwith.

. In Appeal No.8 of 2005 filed by the present
respondent no.1 the learned Presiding Officer of the
School Tribunal at New Mumbai passed the following
operative order:

"The case is remanded back to the management
with following directions:

(a) The Enquiry Committee shall constituted as per rules for conducting the second enquiry against the appellant and dispose of the matter accordingly.

(b) The respondents are entitled to call assistance from local police if circumstances prevail.

(c) pending the enquiry the appellant Salim Momin must be deemed to be under suspension and entitled for subsistence allowance as per rules. The order of termination dated 3.6.2005 is hereby called back.

(d) The appeal is disposed of with an opportunity to the appellant to prefer an appeal within a period of limitation, in case he is aggrieved by the results of the Enquiry Committee and order passed thereon by the management."

. Mr.Moray, the learned counsel for the petitioner - Management has confined his arguments in

this petition to the limited extent of permitting the management to proceed with the enquiry as directed by the School Tribunal but the enquiry will not be held in the college premises and it will be held outside but in the premises located close-by to the college premises.

. Mr.Moray has suggested that the location of the enquiry as directed by the School Tribunal will be Gala No.23, Ground Floor, 30 Quarter Gate, Teenbatti, Bhiwandi. The Committee members proposed by the petitioner are (1) Mr.M.P.Sadekar (Convenor), (2) Mr.C.C Desai (National Awardee Teacher) and (3) the representative to be nominated by the respondent no.1. The presenting officer in the said enquiry shall not be a practising advocate and he should be one of the office bearers of the petitioner - Trust or any of its employees. The enquiry should be completed as expeditiously as possible. These suggestions made by the petitioner - management are hereby accepted and the management is hereby permitted to conduct the enquiry at the location stated hereinabove. The respondent shall nominate his nominee and intimate the same in writing to the petitioner - management before the end of this month

and the enquiry shall be completed by 30th November 2006. Needless to mention that the management shall comply with the other directions given by the School Tribunal regarding the payment of subsistence allowance etc.

. The petition disposed in terms of the above directions.

(B.H.MARLAPALLE,J.)